

# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

## APPLICATION FOR PERMIT

**Public Notice/Application No.:** 2003-00403-SDM

**Comment Period:** January 23, 2004 through February 21, 2004

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**Applicant**

Vistancia, LLC  
Mark Hammons  
9051 W Kelton Lane Suite #4  
Peoria, Arizona 85382  
(623) 583-1604

**AGENT**

LVA Urban Design Studio LLC  
Alan Beaudoin  
7502 East Main Street  
Scottsdale, Arizona 85251  
(602) 994-0994

**Location**

At the proposed White Peak Ranch development site in the Twin Buttes, White Peak, Caterpillar Tank, McMicken, Garambullo and Padelford washes, tributary to the Agua Fria River at (Sections 3, 4, 5, 7, 8, 9, 10, 11, 14, 15, and 22, T5N, R1W), Peoria, Maricopa County, Arizona. (Hydrologic Unit Code 15070102)

**Activity**

To discharge dredged and/or fill material into 6.6 acres of ephemeral waters of the U.S. for the development of the 3,985-acre master-planned development known as White Peak Ranch, which will include approximately 5,820 single family and 2,158 multi-family dwelling units. For more information, see page 3 of this notice and attached drawings.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to [sallie.mcguire@usace.army.mil](mailto:sallie.mcguire@usace.army.mil) or mailed to:

**U. S. Army Corps of Engineers  
ATTENTION: Regulatory Branch (2003-00403-SDM)  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1939**

## Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## Preliminary Review of Selected Factors

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

**Cultural Resources-** A cultural resources survey was completed for the entire project site in December 2002 and January 2003. The survey identified three archaeological sites which were recommended as eligible for listing on the National Register of Historic Places. Consultation will be conducted pursuant to Section 106 of the National Historic Preservation Act.

**Endangered Species-** Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

To discharge dredged and/or fill material into 6.6 acres of ephemeral waters of the U.S. for the development of the 3,985-acre master-planned development known as White Peak Ranch. The project area includes approximately 30.5 acres of ephemeral waters of the U.S. The project area consists mostly of undisturbed open creosote bush habitat with scattered saguaro cacti. The applicant proposes to impact a total of 6.6 acres of waters of the U.S. for road crossings, storm drains, installation of utilities and backfill and grading for construction of building pads. There were no wetlands or perennial or intermittent streams found on the property. Drainage has been designed so that offsite flows will enter and exit the site at the same location and in the same manner as pre-development conditions. This will be accomplished through on-site detention and other design features.

Road crossings will consist of dip sections, pipes, box culverts or bridges. Backfill and grading may modify some of the existing drainage network where they consist of narrow or shallow tributary ephemeral washes. Construction of road and utility crossings may require excavation of the existing substrate. Backhoes and/or front-end loaders will be used to excavate materials. Trenches will be filled with native soil and compacted. Excess soil removed from washes will be hauled to an upland location within the proposed project boundaries.

### **Additional Project Information**

The applicant's project purpose is to construct a mixed-use, golf course-oriented, master-planned residential community to satisfy the need for housing in the Peoria, Arizona area. The target market for White Peak Ranch includes individuals seeking a new home in a master-planned community that offers natural and recreational amenities. The basic project purpose is to develop the infrastructure and building sites for a residential subdivision, which is not water-dependent.

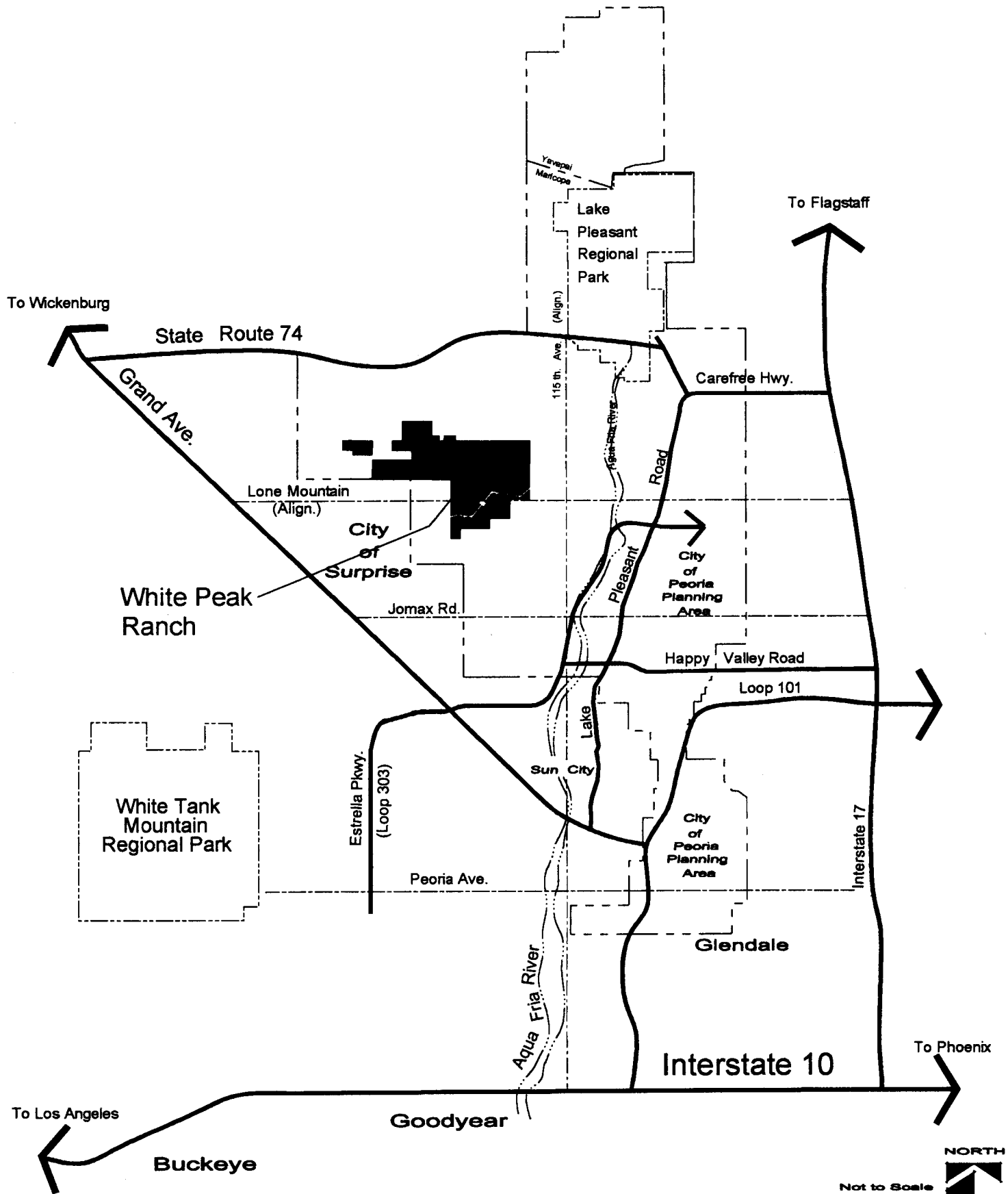
The applicant has developed a conceptual mitigation plan to preserve and enhance 52.5 acres within the project area that will promote habitat connectivity along wash corridors north and south of White Peak Ranch. This area will be improved by removal of grazing and off-road vehicle use.

### **Proposed Special Conditions**

To be developed.

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For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.



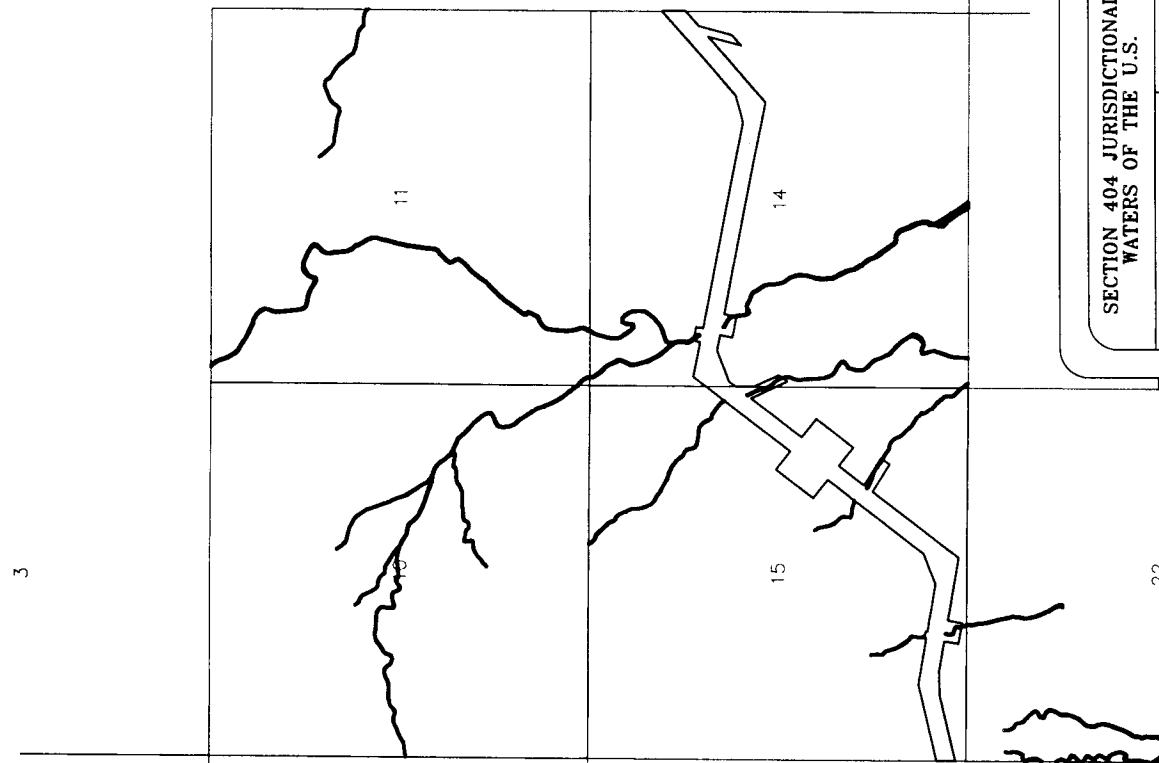
# WHITE PEAK RANCH

VICINITY MAP

Public Notice #2003-00403-SDM  
Figure 1 of 5

Date  
11/26/03  
Job No  
00403



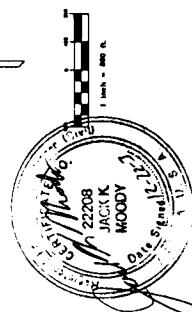


# LEGEND

JURISDICTIONAL WATERS OF THE U.S.

PROJECT BOUNDARY

SECTION LINES



TOTAL WATERS OF THE U.S. AREA = 30.49 ACRES  
 LIMITS OF WATERS OF THE U.S. BASED ON APPROVED SECTION 404 JURISDICTIONAL  
 DELINEATION, APPLICATION NUMBER 2003-00403-SDM

SECTION 404 JURISDICTIONAL  
 WATERS OF THE U.S.

WHITE PEAK RANCH

WOOD/PATEL  
 ASSOCIATES  
 10000 10th Street  
 Suite 100  
 Denver, CO 80231  
 (303) 752-1000

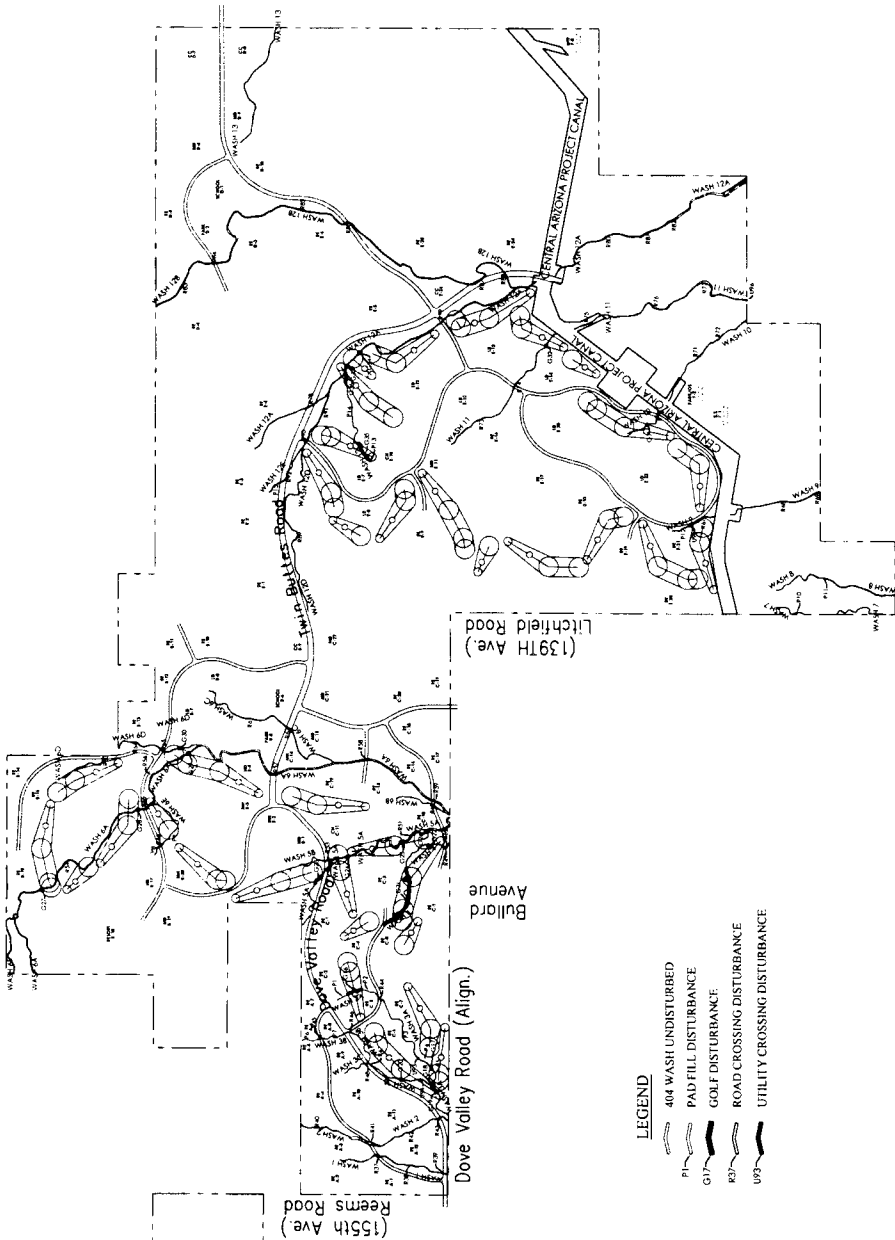
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TOTAL DISTURBANCE			
SECTION	WASH #	AREA (SF)	AREA (AC)
P1	1	117	0.003
P2	2	117	0.003
P3	3	117	0.003
P4	4	117	0.003
P5	5	117	0.003
P6	6	117	0.003
P7	7	117	0.003
P8	8	117	0.003
P9	9	117	0.003
P10	10	117	0.003
P11	11	117	0.003
P12	12	117	0.003
P13	13	117	0.003
P14	14	117	0.003
P15	15	117	0.003
P16	16	117	0.003
P17	17	117	0.003
P18	18	117	0.003
P19	19	117	0.003
P20	20	117	0.003
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P26	26	117	0.003
P27	27	117	0.003
P28	28	117	0.003
P29	29	117	0.003
P30	30	117	0.003
P31	31	117	0.003
P32	32	117	0.003
P33	33	117	0.003
P34	34	117	0.003
P35	35	117	0.003
P36	36	117	0.003
P37	37	117	0.003
P38	38	117	0.003
P39	39	117	0.003
P40	40	117	0.003
P41	41	117	0.003
P42	42	117	0.003
P43	43	117	0.003
P44	44	117	0.003
P45	45	117	0.003
P46	46	117	0.003
P47	47	117	0.003
P48	48	117	0.003
P49	49	117	0.003
P50	50	117	0.003
P51	51	117	0.003
P52	52	117	0.003
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P68	68	117	0.003
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P70	70	117	0.003
P71	71	117	0.003
P72	72	117	0.003
P73	73	117	0.003
P74	74	117	0.003
P75	75	117	0.003
P76	76	117	0.003
P77	77	117	0.003
P78	78	117	0.003
P79	79	117	0.003
P80	80	117	0.003
P81	81	117	0.003
P82	82	117	0.003
P83	83	117	0.003
P84	84	117	0.003
P85	85	117	0.003
P86	86	117	0.003
P87	87	117	0.003
P88	88	117	0.003
P89	89	117	0.003
P90	90	117	0.003
P91	91	117	0.003
P92	92	117	0.003
P93	93	117	0.003
P94	94	117	0.003
P95	95	117	0.003
P96	96	117	0.003
P97	97	117	0.003
P98	98	117	0.003
P99	99	117	0.003
P100	100	117	0.003

ROAD CROSSING DISTURBANCE			
SECTION	WASH #	AREA (SF)	AREA (AC)
P1	1	117	0.003
P2	2	117	0.003
P3	3	117	0.003
P4	4	117	0.003
P5	5	117	0.003
P6	6	117	0.003
P7	7	117	0.003
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P98	98	117	0.003
P99	99	117	0.003
P100	100	117	0.003

UTILITY CROSSING DISTURBANCE			
SECTION	WASH #	AREA (SF)	AREA (AC)
P1	1	117	0.003
P2	2	117	0.003
P3	3	117	0.003
P4	4	117	0.003
P5	5	117	0.003
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P7	7	117	0.003
P8	8	117	0.003
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P97	97	117	0.003
P98	98	117	0.003
P99	99	117	0.003
P100	100	117	0.003

TOTAL DISTURBANCE:	26556 SF
TOTAL WASH AREA:	132105 SF
PERCENT DISTURBED:	21.5 %



- LEGEND**
- 404 WASH UNDISTURBED
  - PAD FILL DISTURBANCE
  - GOLF DISTURBANCE
  - ROAD CROSSING DISTURBANCE
  - UTILITY CROSSING DISTURBANCE



**WHITE PEAK RANCH 404 DISTURBANCES  
PREFERRED ALTERNATIVE**

**WOOD/PATEL  
ASSOCIATES**  
Civil Engineers  
Hydrologists  
Land Surveyors  
(602) 335-6500

DATE: 11/25/03





WHITE PEAK RANCH  
HABITAT MITIGATION PLAN

FIGURE 3

DATE: 11/26/03

**WOOD/PATEL  
ASSOCIATES**  
Civil Engineers  
Hydrologists  
Land Surveyors  
(602) 335-8500